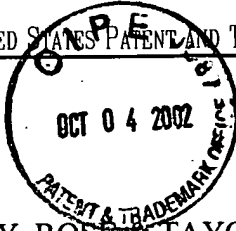




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AUG 15 2002

OFFICE OF PETITIONS

In re Application of
Dojun Rhee
Application No. 09/994,556
Filed: November 27, 2001
Attorney Docket No. 4028-00300/(99-269)
For: UNEQUAL ERROR PROTECTION REED-
MULLER CODE GENERATOR AND DECODER

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(b)

RECEIVED

OCT 08 2002

OFFICE OF PETITIONS

This is in response to the reconsideration petition under 37 CFR 1.47(b), filed August 6, 2002.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on November 27, 2001 without an executed oath or declaration. Accordingly, on December 17, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on February 8, 2002, a petition for a one month extension of time and required fee and the instant petition and required fee were filed. The petition sets forth the last known address of Dojun Rhee, the non-signing inventor, and explains that Mr. Rhee received the application papers, but did not respond to the request that he sign the oath or declaration for the patent application. Applicant's petition under 37 CFR 1.47(b), filed February 8, 2002, was dismissed on June 26, 2002 for failure to provide an acceptable declaration. The instant reconsideration was filed on August 6, 2002.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

Applicant lacks item (2) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. An oath or declaration in compliance with 37 CFR 1.63 and

1.64 signed by the Rule 1.47(b) applicant on behalf of Inventor Dojun Rhee is REQUIRED. See MPEP 409.03(b). As stated in the June 26, 2002 decision, "The individual signing the declaration should include information pertaining to him/her. The Office requires a new declaration with the signer's name, title, the address where he/she normally receives mail, his/her residence, and his/her citizenship listed thereon in addition to the information pertaining to the inventor." Mr. Rhee's signature block should be left blank and the signer should sign in his/her own signature block. In addition, MPEP 409.03(b) elaborates on the requirement that a registered attorney who is signing the declaration on behalf of a corporation must submit either proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer or the attorney may simply state that he is authorized to sign on behalf of the corporation.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
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Telephone inquiries should be directed to the undersigned at (703) 308-6712.



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